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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,887	06/22/2001	Vincenzo Tomarchio	CM2385	7950
27752 7590 12/14/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224				
EXAMINER				
TORRES VELAZQUEZ, NORCA LIZ				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
12/14/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/887,887

**Applicant(s)**

TOMARCHIO ET AL.

**Examiner**

Norca L. Torres-Velazquez

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-12, 14-17, 19-24, 26-28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 14-17, 19-24, 26-28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on February 8, 2007 amended independent claims 1 and 17 to now include the limitations of canceled claims 9, 13 and 18, 29, respectively. Claims 1-8, 10-12, 14-17, 19-34, 26-28 and 30-32 remain pending.
2. It is noted herein that claim 7 depends on itself. The Examiner noted this typographical error and assumes that claim 7 depends on claim 1 for examining purposes. Correction of this error is requested.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 12, 14-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JONES et al. (US 4725489) in view of ADAMS et al. (US 4117187).

JONES et al. discloses a disposable article for light cleaning of hard surfaces, such as bathroom surfaces, that comprises a nonwoven substrate, preferably of cellulosic or cellulose-containing material, carrying an aqueous cleaning composition loaded onto the substrate. (Abstract and Column 1, lines 13-16) The reference further teaches the use of rayon (regenerated cellulose). (Column 3, line 46 and Column 5, lines 1-3). JONES et al. teaches that the fibers may be processed into the nonwoven substrate by various well-known methods such as, for example, air laying, hydraulic lacing or thermal bonding. (Column 4, lines 29-33).

JONES et al. further teaches that the liquid loading level should not exceed about 75% of the substrate's absorbance capacity and preferably should not exceed 50% of the absorbance capacity. For example, if a substrate has an absorbance capacity within the preferred range of 600% to 1000%, it can preferably be loaded with aqueous solution in an amount ranging from about 1.0 to about 4.0 times its weight. Using, as a specific example, a cellulosic substrate sheet of 8 inches by 10.5 inches having a weight of 5 grams and an absorbance capacity of 40 grams (800%), a satisfactory loading level of aqueous solution would be from about 7.5 grams to about 15.0 grams (1.5 to 3.0 times the weight of the substrate). Below the lower loading level of 7.5 grams, satisfactory cleaning is not attained. (Column 9, lines 11-33).

The reference further teaches the use of disinfectants in the wipe and lists the use of rose oil as a fragrance. It also teaches the use of other fragrances such as spice, woody, oriental and the like. (Column 8, lines 61-68 through Column 9, lines 1-7)

However, JONES fails to disclose the use of organic acids such as citric acid, tartaric acid and lactic acid.

ADAMS et al. discloses a premoistened wiper having high initial wet strength in a wetting liquid, and lower wet strength when immersed in substantially neutral water to allow for flushability. (Abstract) The reference teaches the use of organic acid in an amount sufficient to maintain the liquid medium at a desired pH level. (Column 2, lines 35-38) It is noted that citric acid and lactic acid are polycarboxylic acids. Further, the ADAMS et al. reference teaches the use salts of polycarboxylic acid. (Column 5, line 32)

Since both JONES et al. and ADAMS et al. are from the same field of endeavor, the purpose disclosed by ADAMS et al. would have been recognized in the pertinent art of JONES et al.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the cleaning composition of the wet wiper and provide it a polycarboxylic acid with the motivation of maintaining the liquid medium at a desired pH level as disclosed by ADAMS et al. above. It is noted herein that the claimed organic acids are well known polycarboxylic acids used in wet wipes. With regards to the claimed tensile strength and absorption capacity properties of the substrate, it is further noted that it is well settled that determination of optimum values of cause effective variables such as tensile strength and absorption capacity are within the skill of one practicing the art. In re Boesch, 205 USPQ 215 (CCPA 1980).

#### ***Response to Arguments***

5. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.
  - a. Applicants have incorporated the limitations of canceled claims 13 and 29 into the independent claims. Such limitations had been rejected under 35 U.S.C. 103(a) as being obvious over Jones, et al. '293 in view of Adams et al. '187. Applicants didn't state any arguments with regards such combinations.
  - b. The prior art of RICHARDS (US 4941995) is cited herein to further provide evidence that the organic acids claimed in the present invention (citric acid, lactic acid, tartaric acid), are carboxylic acids used in wet wipes. (Refer to Col. 2, lines 48-60)

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Norca L. Torres-Velazquez/  
Primary Examiner, Art Unit 1794

December 8, 2007